

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

J.Y.C.C., et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:15 CV 1704 RWS
)
DOE RUN RESOURCES, CORP.,)
et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

Plaintiffs in this matter allege that they have been injured by exposure to toxic substances, specifically lead, released from metallurgical mining operations in La Oroya, Peru at a smelter facility owned and controlled by Defendants. On January 7, 2016, the parties filed a joint proposed scheduling plan setting out case deadlines and requirements. Plaintiffs proposed that a uniform “Plaintiff Profile Sheet” would be completed by each plaintiff, signed under oath, and notarized. On February 24, 2016, I issued the initial case management order that adopted Plaintiffs’ proposal and required each plaintiff to complete a profile sheet and produce it to Defendants by March 25, 2016.

As hundreds of more plaintiffs’ claims against Defendants were consolidated with this case I issued additional case management orders requiring Plaintiffs to provide Defendants with signed and notarized profile sheets by specific deadlines.

Since 2016 I have granted multiple extensions of time to Plaintiffs to produce signed and notarized profile sheets. On June 23, 2020, I issued a case management order stating that if an individual plaintiff failed to produce a timely signed and notarized profile sheet then Defendants could file a motion for a show cause order why the plaintiff's case should not be dismissed with prejudice. On November 6, 2020, Defendants filed a motion for a show cause order directed to Plaintiffs on why the plaintiffs in Trial Groups A-I should not be dismissed with prejudice for failing to provide completed profile sheets by the deadlines set out in previous case orders.

On December 17, 2020, after a status conference, I issued an order denying Defendants' motion for a show cause order and granted Plaintiffs yet another extension of time to produce complete profile sheets. The order directed Plaintiffs to produce all outstanding profile sheets in Trial Groups A-J by February 15, 2021 and all outstanding profile sheets in Trial Group K by March 1, 2021. At the status conference I warned Plaintiffs that these would be "drop dead" dates and that Plaintiffs' past delays at producing profile sheets would normally be unacceptable but in light of the challenges imposed by the COVID pandemic I would permit one more extension of time.

On January 19, 2021, after a status conference held on that date, I issued an

order granting Plaintiffs yet another extension of time to produce any outstanding profile sheets no later than March 1, 2021. At the conference I told Plaintiffs' counsel the production of the profile sheets had to be completed. On April 29, 2022, more than a year after my March 1, 2021 order, Defendants filed a motion to dismiss with prejudice the cases of plaintiffs who had failed to produce signed and notarized profile sheets. This motion was made after six years of litigation over this production and multiple extensions of time to allow Plaintiffs to obtain compliant profile sheets. Defendants noted that of the approximately 2,200 plaintiffs, 256 plaintiffs have not signed a completed profile sheet and 1,257 plaintiffs have not had their profile sheets notarized. Defendants sought dismissal based on these plaintiffs' failure to prosecute their cases and for failing to comply with my multiple orders to produce profile sheets by given deadlines. Defendants asserted that they have been prejudiced by Plaintiffs' failure to produce complete profile sheets. They assert that profile sheets which are not notarized renders them to be incomplete and procedurally invalid. Defendants argue that not having valid profile sheets prevents them from assessing the individual plaintiffs' cases and hampers their ability to make their 14 trial case selections.

On June 22, 2022, Plaintiffs filed an opposition to Defendants' motion asserting that the delay in producing completed profile sheets was based, in part,

on the difficulty of obtaining information from the plaintiffs in the remote and impoverished area that is the La Oroya region as well as the number of records and the documentation involved in this litigation. In addition, Plaintiffs stated that there was only one notary that served the entire La Oroya region and beginning in May 2016 that notary was in ill health and only provided notary services one day a week. The notary passed away in November 2018 and was not replaced until the end of 2019. The closest notary service during that period was located in the town of Tarma an hour and a half away. In 2020, because of the global COVID pandemic, no notarization services were undertaken in Tarma or La Oroya. In 2021, the notary's office reopened in La Oroya by the prior notary's son. Plaintiffs asserted that the failure to produce signed and notarized profile sheets does not merit a dismissal with prejudice of individual plaintiffs' cases. Plaintiffs also asserted that Defendants' motion to dismiss should be denied because Defendants were required to file a motion for a show cause order if they wanted to challenge plaintiffs' failure to comply with my orders setting the deadlines for profile sheet production. Plaintiffs requested that a new schedule should be set to allow the production of notarized profile sheets on a rolling basis.

On July 8, 2022, Defendants filed a reply brief in support of their motion to dismiss. Defendants argued that Plaintiffs' reasons for not producing timely

notarized profile sheets are not valid. Defendants asserted that 900 unnotarized profile sheets were produced by Plaintiffs between 2013 and 2017 long before the death of the sole notary in La Oroya. Defendants noted that they could not find any notarized profile sheets that were notarized in Tarma between November 2018 through 2019 when Plaintiffs asserted they had to go to Tarma because there was not a notary in La Oroya. Defendants also noted that they have not received any profile sheets that were notarized in La Oroya from the beginning of 2021 through July 8, 2022, the date of their reply brief. Defendants pointed out that Plaintiffs acknowledge that a notary was available in La Oroya during that time.

On July 19, 2022, a status conference was held in this matter and the parties addressed Defendants' motion to dismiss. Defendants acknowledged that since the filing of their motion Plaintiff produced 241 signature pages for plaintiffs' profile sheets missing signatures. That left only 22 plaintiffs who failed to produce a signed profile sheet. There were still 1,257 plaintiffs who failed to provide notarized fact sheets. Defendants moved to have all of these cases dismissed with prejudice for failing to comply with the many orders imposing deadlines to produce these completed profile sheets. Plaintiffs countered that they should be permitted to produce the completed profile sheets on a rolling basis at the rate of 100 profiles a month. That proposal ignored the fact that this production was long

overdue, that Plaintiffs had received numerous extensions to produce over the past six years, and that based on Plaintiffs' proposal, the production would not be completed for another year.

I denied Defendants' motion to dismiss plaintiffs' cases in which a completed profile sheet had not been produced. Plaintiffs' argument that Defendants' motion to dismiss was not proper because Defendants needed to file a motion for a show cause order first is unavailing. Plaintiffs have been on notice for years that the completed profile sheets must be produced and they have failed to comply with numerous deadlines set out in my orders. However, I gave Plaintiffs one last opportunity to produce complete profile sheets. I ordered that any Initial Trial Pool Plaintiffs who had not produced signed and notarized profile sheets had to produce them no later than July 22, 2023. I ordered that the 22 plaintiffs whose profile sheets were missing signatures had to be produced no later than August 19, 2022. I ordered that the 1,257 plaintiffs who produced unnotarized profile sheets had to have notarizations produced no later October 31, 2022. I directed the parties to file joint memorandums on the outcome of these productions. I stated that, absent a cataclysmic event, these deadlines were solid.

On July 29, 2022, the parties filed a joint memorandum regarding the production of the Initial Trial Pool Plaintiffs' production of signed and notarized

fact sheets. Defendants moved to dismiss the following 12 Initial Trial Pool Plaintiffs' cases for failing to produce the signed notarized profile sheet by July 22, 2022:

List A

	Initials	PLF ID No.	Federal Case No.
1	CCAL	230	4:16-cv-00059-JAR
2	HAO	672	4:16-cv-01154-JAR
3	GNAA	14	4:15-cv-01704-RWS
4	CECC	961	4:17-cv-00787-HEA
5	SACC	962	4:17-cv-00787-HEA
6	EACGP	976	4:17-cv-00787-HEA
7	JRHC	1006	4:17-cv-00790-CAS
8	AJVHA	1011	4:17-cv-00790-CAS
9	ARLC	865	4:16-cv-01726-RLW
10	GAPE	1067	4:17-cv-00797-CDP
11	GFRC	827	4:16-cv-01678-JMB
12	JMSV	1096	4:17-cv-00797-CDP

On August 9, 2022, Plaintiffs produced signed and notarized profile sheets for three plaintiffs on this list: CCAL, HAO, and GFRC. I will allow these three plaintiffs' cases to remain active, despite their production being 18 days late. Plaintiffs agree to dismiss the cases of EACGP, AJVHA, and JMSV. In addition, the cases of GNAA, CECC, SACC, JRHC, AJVHA, GAPE, and JMSV are already being dismissed in a separate order entered this day for failing to appear at the plaintiff verification process this past May and June. As a result, only two plaintiffs' cases on this list remain subject to dismissal, EACGP (agreed to by Plaintiffs) and ARLC (opposed by Plaintiffs).

On August 26, the parties filed a joint memorandum regarding the production by the 22 plaintiffs who were missing signed profile sheets reporting that only 6 of the plaintiffs produced the required document by August 19, 2022. Defendants moved to dismiss the following 16 plaintiffs' cases for failing to produce a signed profile sheet:

List B

	Initials	PLF ID No.	Federal Case No.
1	AIBAP	217	4:16-cv-00059-JAR
2	ALBC	650	4:16-cv-01154-JAR
3	JBHH	628	4:16-cv-01154-JAR
4	VDHH	619	4:16-cv-01154-JAR
5	MRMD	192	4:16-cv-00059-JAR
6	JNOC	198	4:16-cv-00059-JAR
7	JJOE	196	4:16-cv-00059-JAR
8	RDPA	1617	4:17-cv-01935-RWS
9	ASRC	636	4:16-cv-01154-JAR
10	SRE	178	4:16-cv-00059-JAR
11	ZKVM	1358	4:17-cv-01948-SNLJ
12	FSZQ	234	4:16-cv-00059-JAR
13	TRZQ	170	4:16-cv-00059-JAR
14	GPAE	1436	4:17-cv-01933-HEA
15	CECV	1711	4:17-cv-01963-JAR
16	SMGE	1404	4:17-cv-01957-RWS

Plaintiffs stated that five of these plaintiffs, AIBAP, ALBC, FSZQ, TRZQ, and CECV have informed Plaintiffs' counsel that they wish to withdraw their case and these cases should be dismissed with prejudice. Plaintiffs asserted that the remaining 11 plaintiffs' cases should not be dismissed.

On November 14, 2022, the parties filed a memorandum regarding the 1,257

plaintiffs who had failed to produce notarized profile sheets. As of the October 31, 2022 deadline for production, 532 plaintiffs failed to produce them. Defendants moved to have the following 532 cases dismissed with prejudice:

List C

No.	Initials	Trial Group	Plaintiff ID No.	Federal Case No.
1.	GNAA	A	14	4:15-cv-01704-RWS
2.	RFCY	A	31	4:15-cv-01704-RWS
3.	JAQA	A	71	4:15-cv-01704-RWS
4.	LARA	A	78	4:15-cv-01704-RWS
5.	JEVP	A	87	4:15-cv-01704-RWS
6.	JNVP	A	88	4:15-cv-01704-RWS
7.	LRVP	A	89	4:15-cv-01704-RWS
8.	JABF	B	130	4:16-cv-00060-RLW
9.	YKMY	A	169	4:16-cv-00059-JAR
10.	TRZQ	A	170	4:16-cv-00059-JAR
11.	RCV	A	176	4:16-cv-00059-JAR
12.	SRE	A	178	4:16-cv-00059-JAR
13.	MAV	A	184	4:16-cv-00059-JAR
14.	MRMD	A	192	4:16-cv-00059-JAR
15.	JNOC	A	198	4:16-cv-00059-JAR
16.	LLC	A	202	4:16-cv-00059-JAR
17.	AKGM	A	211	4:16-cv-00059-JAR
18.	AIBAP	A	217	4:16-cv-00059-JAR
19.	GJV	a	232	4:16-cv-00059-JAR
20.	FSZQ	A	234	4:16-cv-00059-JAR
21.	JCVS	A	238	4:16-cv-00059-JAR
22.	TTP	B	310	4:16-cv-00061-JAR
23.	AAEAT	B	338	4:16-cv-00634-JAR
24.	SKPJ	B	361	4:16-cv-00634-JAR
25.	HKAV	B	382	4:16-cv-00634-JAR
26.	KCPA	C	434	4:16-cv-00749-AGF
27.	EDR	C	495	4:16-cv-00822-AGF
28.	JFHM	C	509	4:16-cv-00822-AGF
29.	LGAG	C	531	4:16-cv-00822-AGF
30.	JMF	C	541	4:16-cv-00822-AGF

31.	GVO	C	551	4:16-cv-00829-RLW
32.	PJLP	C	611	4:16-cv-00829-RLW
33.	VDHH	D	619	4:16-cv-01154-JAR
34.	MRVP	D	621	4:16-cv-01154-JAR
35.	EBVP	D	622	4:16-cv-01154-JAR
36.	GCYC	D	624	4:16-cv-01154-JAR
37.	KTPM	D	626	4:16-cv-01154-JAR
38.	JBHH	D	628	4:16-cv-01154-JAR
39.	MACS	D	632	4:16-cv-01154-JAR
40.	LJOH	D	635	4:16-cv-01154-JAR
41.	ERAP	D	637	4:16-cv-01154-JAR
42.	FPSP	D	638	4:16-cv-01154-JAR
43.	EDVV	D	640	4:16-cv-01154-JAR
44.	ADOH	D	641	4:16-cv-01154-JAR
45.	MDAPM	D	642	4:16-cv-01154-JAR
46.	MEVDC	D	643	4:16-cv-01154-JAR
47.	MAMB	D	646	4:16-cv-01154-JAR
48.	NMVP	D	647	4:16-cv-01154-JAR
49.	SSJR	D	648	4:16-cv-01154-JAR
50.	EGCS	D	649	4:16-cv-01154-JAR
51.	ALBC	D	650	4:16-cv-01154-JAR
52.	CAOG	D	651	4:16-cv-01154-JAR
53.	LYAA	D	653	4:16-cv-01154-JAR
54.	GMQR	D	657	4:16-cv-01154-JAR
55.	SBCS	D	662	4:16-cv-01154-JAR
56.	PCEL	D	667	4:16-cv-01154-JAR
57.	APG	D	668	4:16-cv-01154-JAR
58.	EAFS	D	670	4:16-cv-01154-JAR
59.	PAFS	D	673	4:16-cv-01154-JAR
60.	NRJC	D	674	4:16-cv-01154-JAR
61.	NJMZ	D	675	4:16-cv-01154-JAR
62.	OJEI	D	677	4:16-cv-01154-JAR
63.	NAMZ	D	680	4:16-cv-01154-JAR
64.	JMHC	D	685	4:16-cv-01154-JAR
65.	BDRR	D	689	4:16-cv-01154-JAR
66.	DCBR	D	697	4:16-cv-01643-AGF
67.	SPBJ	D	701	4:16-cv-01643-AGF
68.	MLBV	D	702	4:16-cv-01643-AGF
69.	NCI	D	703	4:16-cv-01643-AGF
70.	ELCR	D	708	4:16-cv-01643-AGF

71.	BACS	D	716	4:16-cv-01643-AGF
72.	BPCT	D	717	4:16-cv-01643-AGF
73.	PDES	D	720	4:16-cv-01643-AGF
74.	GSHV	D	726	4:16-cv-01643-AGF
75.	TKHE	D	727	4:16-cv-01643-AGF
76.	RJLR and RJFLR	D	729	4:16-cv-01643-AGF
77.	JJLS	D	730	4:16-cv-01643-AGF
78.	MBLS	D	731	4:16-cv-01643-AGF
79.	ADMC	D	734	4:16-cv-01643-AGF
80.	KMSC	D	746	4:16-cv-01643-AGF
81.	YYSP	D	748	4:16-cv-01643-AGF
82.	DRYC	D	756	4:16-cv-01643-AGF
83.	LFZE	D	757	4:16-cv-01643-AGF
84.	ELZC	D	758	4:16-cv-01643-AGF
85.	JPSV	D	760	4:16-cv-01643-AGF
86.	GACR	D	762	4:16-cv-01678-JMB
87.	DSBC	D	766	4:16-cv-01678-JMB
88.	DMMO	D	773	4:16-cv-01678-JMB
89.	NLTC	D	774	4:16-cv-01678-JMB
90.	MNRA	D	775	4:16-cv-01678-JMB
91.	LHAR	D	776	4:16-cv-01678-JMB
92.	MBRA	D	778	4:16-cv-01678-JMB
93.	JKBC	D	779	4:16-cv-01678-JMB
94.	MJV DLC	D	785	4:16-cv-01678-JMB
95.	CEVC	D	786	4:16-cv-01678-JMB
96.	AGVDLC	D	787	4:16-cv-01678-JMB
97.	JLAY	D	788	4:16-cv-01678-JMB
98.	GFTF	D	790	4:16-cv-01678-JMB
99.	JCIR	D	792	4:16-cv-01678-JMB
100.	XAAV	D	796	4:16-cv-01678-JMB
101.	SXAO	D	800	4:16-cv-01678-JMB
102.	NESV	D	802	4:16-cv-01678-JMB
103.	MMLR	D	805	4:16-cv-01678-JMB
104.	EARV	D	807	4:16-cv-01678-JMB
105.	KLA	D	808	4:16-cv-01678-JMB
106.	LWFS	D	811	4:16-cv-01678-JMB
107.	AKAMH	D	815	4:16-cv-01678-JMB
108.	JARI	D	816	4:16-cv-01678-JMB
109.	NHEV	D	817	4:16-cv-01678-JMB

110.	SXAM	D	818	4:16-cv-01678-JMB
111.	LSVDLC	D	822	4:16-cv-01678-JMB
112.	HNAP	E	832	4:16-cv-01726-RLW
114.	YMBH	E	838	4:17-cv-01940-HEA
115.	SDCM	E	845	4:16-cv-01726-RLW
116.	SAEC	E	855	4:16-cv-01726-RLW
117.	ARFR	E	858	4:16-cv-01726-RLW
118.	TCFR	E	859	4:16-cv-01726-RLW
119.	PJGA	E	860	4:16-cv-01726-RLW
120.	SAHZ	E	861	4:16-cv-01726-RLW
121.	XIHZ	E	862	4:16-cv-01726-RLW
122.	SAHL	E	863	4:16-cv-01726-RLW
123.	KMLC	E	866	4:16-cv-01726-RLW
124.	BIPG(?)	E	874	4:16-cv-01726-RLW
125.	OAQG	E	877	4:16-cv-01726-RLW
126.	RMQG	E	878	4:16-cv-01726-RLW
127.	CAVG	E	884	4:16-cv-01726-RLW
128.	SMBL	E	913	4:16-cv-01751-RWS
129.	WYAL	E	918	4:17-cv-00787-HEA
130.	ADAR	E	927	4:17-cv-00787-HEA
131.	DNAJ	E	928	4:17-cv-00787-HEA
132.	HJAT	E	929	4:17-cv-00787-HEA
133.	LRAT	E	930	4:17-cv-00787-HEA
134.	SNAC	E	938	4:17-cv-00787-HEA
135.	DAM	E	942	4:17-cv-00787-HEA
136.	REAM	E	943	4:17-cv-00787-HEA
137.	JGCB	E	956	4:17-cv-00787-HEA
138.	CECC	E	961	4:17-cv-00787-HEA
139.	SACC	E	962	4:17-cv-00787-HEA
140.	JFCT	E	963	4:17-cv-00787-HEA
141.	AECR	E	968	4:17-cv-00787-HEA
142.	ECD	E	971	4:17-cv-00787-HEA
143.	LNCD	E	972	4:17-cv-00787-HEA
144.	DLCV	E	973	4:17-cv-00787-HEA
145.	JJCDLP	E	983	4:17-cv-00787-HEA
146.	ACCD	E	985	4:17-cv-00787-HEA
147.	DRCD	E	986	4:17-cv-00787-HEA
148.	EHDC	F	990	4:17-cv-00790-CAS
149.	MGDC	F	991	4:17-cv-00790-CAS
150.	AFFJ	F	997	4:17-cv-00790-CAS

151.	KNFR	F	999	4:17-cv-00790-CAS
152.	ADGM	F	1002	4:17-cv-00790-CAS
153.	JNHC	F	1005	4:17-cv-00790-CAS
154.	JRHC	F	1006	4:17-cv-00790-CAS
155.	RJHC	F	1007	4:17-cv-00790-CAS
156.	YFHC	F	1008	4:17-cv-00790-CAS
157.	AJVHA	F	1011	4:17-cv-00790-CAS
158.	BEHH	F	1012	4:17-cv-00790-CAS
159.	JSHH	F	1013	4:17-cv-00790-CAS
160.	NSHH	F	1014	4:17-cv-00790-CAS
161.	JFJO	F	1017	4:17-cv-00790-CAS
162.	GLJN	F	1022	4:17-cv-00790-CAS
163.	AJJS	F	1023	4:17-cv-00790-CAS
164.	GALH	F	1026	4:17-cv-00790-CAS
165.	VNMB	F	1031	4:17-cv-00790-CAS
166.	LLMV	F	1032	4:17-cv-00790-CAS
167.	EIMP	F	1037	4:17-cv-00790-CAS
168.	JDMR	F	1041	4:17-cv-00790-CAS
169.	LAOA	F	1050	4:17-cv-00790-CAS
170.	BAOJ	F	1053	4:17-cv-00790-CAS
171.	YMOR	F	1054	4:17-cv-00790-CAS
172.	DDOG	F	1056	4:17-cv-00790-CAS
173.	ZOT	F	1059	4:17-cv-00797-CDP
174.	MAPM	F	1062	4:17-cv-00797-CDP
175.	AVPJ	F	1063	4:17-cv-00797-CDP
176.	NKPH	F	1065	4:17-cv-00797-CDP
177.	GAPE	F	1067	4:17-cv-00797-CDP
178.	ZCQO	F	1075	4:17-cv-00797-CDP
179.	GHQL	F	1078	4:17-cv-00797-CDP
180.	TAQL	F	1079	4:17-cv-00797-CDP
181.	KYRC	F	1082	4:17-cv-00797-CDP
182.	LARA	F	1084	4:17-cv-00797-CDP
183.	WSRA	F	1085	4:17-cv-00797-CDP
184.	FESV	F	1095	4:17-cv-00797-CDP
185.	JMSV	F	1096	4:17-cv-00797-CDP
186.	BESS	F	1097	4:17-cv-00797-CDP
187.	YGSS	F	1103	4:17-cv-00797-CDP
188.	YRSS	F	1104	4:17-cv-00797-CDP
189.	AYGTR	F	1109	4:17-cv-00797-CDP
190.	MGTR	F	1110	4:17-cv-00797-CDP

191.	KSVT	F	1118	4:17-cv-00797-CDP
192.	APVR	F	1119	4:17-cv-00797-CDP
193.	DRVVR	F	1120	4:17-cv-00797-CDP
194.	JJVC	F	1121	4:17-cv-00797-CDP
195.	WFVC	F	1122	4:17-cv-00797-CDP
196.	YPVR	F	1123	4:17-cv-00797-CDP
197.	GLYL	F	1124	4:17-cv-00797-CDP
198.	SMZG	F	1125	4:17-cv-00797-CDP
199.	KFBE	F	1130	4:17-cv-01225-SPM
200.	EGMV	F	1131	4:17-cv-01225-SPM
201.	ERFC	F	1139	4:17-cv-01225-SPM
202.	CILP	F	1142	4:17-cv-01225-SPM
203.	LDRT	H	1146	4:17-cv-01934-RLW
204.	LDAS	G	1149	4:17-cv-01924-HEA
205.	JAAO	G	1151	4:17-cv-01924-HEA
206.	YAAA	G	1152	4:17-cv-01924-HEA
207.	HGAC	G	1155	4:17-cv-01924-HEA
208.	JFAM	G	1157	4:17-cv-01924-HEA
209.	RKAA	G	1159	4:17-cv-01924-HEA
210.	JEAE	G	1162	4:17-cv-01924-HEA
211.	IFBM	G	1165	4:17-cv-01924-HEA
212.	MJBC	G	1167	4:17-cv-01924-HEA
213.	AYBG	G	1169	4:17-cv-01924-HEA
214.	JMBG	G	1170	4:17-cv-01924-HEA
215.	BLCC	G	1172	4:17-cv-01924-HEA
216.	EZCE	G	1175	4:17-cv-01924-HEA
217.	ANCR	G	1176	4:17-cv-01924-HEA
218.	WHCS	G	1177	4:17-cv-01924-HEA
219.	BRCC	G	1180	4:17-cv-01924-HEA
220.	VMCC	G	1181	4:17-cv-01924-HEA
221.	LYCC	G	1182	4:17-cv-01924-HEA
222.	ESCB	G	1186	4:17-cv-01924-HEA
223.	LYCZ	G	1189	4:17-cv-01924-HEA
224.	RJET	G	1192	4:17-cv-01924-HEA
225.	MAEP	G	1193	4:17-cv-01924-HEA
226.	DJEI	G	1194	4:17-cv-01924-HEA
227.	SFEP	G	1196	4:17-cv-01924-HEA
228.	KEGR	G	1198	4:17-cv-01924-HEA
229.	IGHM	G	1202	4:17-cv-01924-HEA
230.	DJJR	G	1204	4:17-cv-01924-HEA

231.	DJTA	G	1214	4:17-cv-01924-HEA
232.	MLVQ	G	1215	4:17-cv-01924-HEA
233.	LEAT	G	1220	4:17-cv-01927-RWS
234.	GJAS	G	1221	4:17-cv-01927-RWS
235.	SMAQ	G	1226	4:17-cv-01927-RWS
236.	KAFAA	G	1227	4:17-cv-01927-RWS
237.	MJAA	G	1228	4:17-cv-01927-RWS
238.	LYCC	G	1234	4:17-cv-01927-RWS
239.	HCCM	G	1235	4:17-cv-01927-RWS
240.	NLCZ	G	1237	4:17-cv-01927-RWS
241.	AGFM	G	1239	4:17-cv-01927-RWS
242.	KAGM	G	1241	4:17-cv-01927-RWS
243.	GXGT	G	1242	4:17-cv-01927-RWS
244.	MYGS	G	1243	4:17-cv-01927-RWS
245.	MNHQ	G	1247	4:17-cv-01927-RWS
246.	JLIC	G	1253	4:17-cv-01927-RWS
247.	JCLL	G	1256	4:17-cv-01927-RWS
248.	AAMA	G	1261	4:17-cv-01927-RWS
249.	GANF	G	1266	4:17-cv-01927-RWS
250.	SSNF	G	1267	4:17-cv-01927-RWS
251.	GARO	G	1273	4:17-cv-01927-RWS
252.	ERTA	G	1276	4:17-cv-01927-RWS
253.	TAVA	G	1279	4:17-cv-01927-RWS
254.	YCVA	G	1280	4:17-cv-01927-RWS
255.	MSVB	G	1284	4:17-cv-01927-RWS
256.	IVH	G	1286	4:17-cv-01927-RWS
257.	RCZC	G	1288	4:17-cv-01927-RWS
258.	RANO	G	1290	4:17-cv-01924-HEA
259.	AZEP	G	1292	4:17-cv-01927-RWS
260.	SCBV	I	1296	4:17-cv-01948-SNLJ
261.	YMBV	I	1297	4:17-cv-01948-SNLJ
262.	LWCE	I	1298	4:17-cv-01948-SNLJ
263.	GOCM	I	1300	4:17-cv-01948-SNLJ
264.	CJEH	I	1315	4:17-cv-01948-SNLJ
265.	FJHM	I	1318	4:17-cv-01948-SNLJ
266.	YRMP	I	1322	4:17-cv-01948-SNLJ
267.	ELMMT	I	1326	4:17-cv-01948-SNLJ
268.	NAPC	I	1328	4:17-cv-01948-SNLJ
269.	NLPR	I	1332	4:17-cv-01948-SNLJ
270.	JQQT	I	1334	4:17-cv-01948-SNLJ

271.	PARH	I	1335	4:17-cv-01948-SNLJ
272.	JCSR	I	1341	4:17-cv-01948-SNLJ
273.	MASR	I	1342	4:17-cv-01948-SNLJ
274.	ESS	I	1349	4:17-cv-01948-SNLJ
275.	FSS	I	1350	4:17-cv-01948-SNLJ
276.	YBSS	I	1351	4:17-cv-01948-SNLJ
277.	ATSS	I	1352	4:17-cv-01948-SNLJ
278.	AGTS	I	1353	4:17-cv-01948-SNLJ
279.	JOVS	I	1356	4:17-cv-01948-SNLJ
280.	KAWS	I	1357	4:17-cv-01948-SNLJ
281.	ZKVM	I	1358	4:17-cv-01948-SNLJ
282.	AVAS	I	1362	4:17-cv-01957-RWS
283.	KCKA	I	1363	4:17-cv-01957-RWS
284.	YAAA	I	1364	4:17-cv-01957-RWS
285.	ALAP	I	1365	4:17-cv-01957-RWS
286.	BSAP	I	1366	4:17-cv-01957-RWS
287.	ZLAC	I	1368	4:17-cv-01957-RWS
288.	AMAP	I	1380	4:17-cv-01957-RWS
289.	NNBG	I	1390	4:17-cv-01957-RWS
290.	ASCP	I	1395	4:17-cv-01957-RWS
291.	FFCP	I	1396	4:17-cv-01957-RWS
292.	LAFR	I	1402	4:17-cv-01957-RWS
293.	SMGE	I	1404	4:17-cv-01957-RWS
294.	GMHA	I	1405	4:17-cv-01957-RWS
295.	EJLDLC	I	1411	4:17-cv-01957-RWS
296.	VALDLC	I	1412	4:17-cv-01957-RWS
297.	JERB	I	1422	4:17-cv-01957-RWS
298.	JGSS	I	1428	4:17-cv-01957-RWS
299.	GAAV	G	1435	4:17-cv-01933-HEA
300.	PBJAC	G	1438	4:17-cv-01933-HEA
301.	JAB	G	1442	4:17-cv-01933-HEA
302.	KJPBC	G	1444	4:17-cv-01933-HEA
303.	MYBP	G	1445	4:17-cv-01933-HEA
304.	KSCR	G	1446	4:17-cv-01933-HEA
305.	LMECR	G	1447	4:17-cv-01933-HEA
306.	MNCC	G	1448	4:17-cv-01933-HEA
307.	JCP	G	1450	4:17-cv-01933-HEA
308.	AVCR	G	1451	4:17-cv-01933-HEA
309.	JJCR	G	1452	4:17-cv-01933-HEA
310.	ANCC	G	1453	4:17-cv-01933-HEA

311.	ASCT	G	1456	4:17-cv-01933-HEA
312.	ZBFS	G	1461	4:17-cv-01933-HEA
313.	EAHL	G	1462	4:17-cv-01933-HEA
314.	YNMC	G	1466	4:17-cv-01933-HEA
315.	DFMV	G	1469	4:17-cv-01933-HEA
316.	ALMC	G	1470	4:17-cv-01933-HEA
317.	SJPM	G	1472	4:17-cv-01933-HEA
318.	ASPC	G	1473	4:17-cv-01933-HEA
319.	JDQC	G	1474	4:17-cv-01933-HEA
320.	SXQM	G	1479	4:17-cv-01933-HEA
321.	LNQR	G	1480	4:17-cv-01933-HEA
322.	LCRH	G	1485	4:17-cv-01933-HEA
323.	BATE	G	1487	4:17-cv-01933-HEA
324.	ITE	G	1488	4:17-cv-01933-HEA
325.	RYTE	G	1489	4:17-cv-01933-HEA
326.	JJRG	G	1495	4:17-cv-01933-HEA
327.	EPRG	G	1496	4:17-cv-01933-HEA
328.	TJVM	G	1503	4:17-cv-01933-HEA
329.	SFRC	G	1506	4:17-cv-01933-HEA
330.	ZMZS	G	1507	4:17-cv-01933-HEA
331.	JCGA	G	1517	4:17-cv-01933-HEA
332.	RFA	H	1518	4:17-cv-01934-RLW
333.	ABAM	H	1519	4:17-cv-01934-RLW
334.	KJBG	H	1521	4:17-cv-01934-RLW
335.	ALCZ	H	1523	4:17-cv-01934-RLW
336.	AEHL	H	1525	4:17-cv-01934-RLW
337.	KSLN	H	1529	4:17-cv-01934-RLW
338.	JBMS	H	1531	4:17-cv-01934-RLW
339.	BSRH	H	1534	4:17-cv-01934-RLW
340.	AFRM	H	1537	4:17-cv-01934-RLW
341.	CIVDLC	H	1542	4:17-cv-01934-RLW
342.	JMVQ	H	1550	4:17-cv-01934-RLW
343.	RVB	H	1552	4:17-cv-01934-RLW
344.	LGYL	H	1553	4:17-cv-01934-RLW
345.	JFYG	H	1557	4:17-cv-01934-RLW
346.	SYZP	H	1559	4:17-cv-01934-RLW
347.	XDZC	H	1563	4:17-cv-01934-RLW
348.	AIZR	H	1565	4:17-cv-01934-RLW
349.	BCHE	H	1567	4:17-cv-01935-RWS
350.	BDMS	H	1573	4:17-cv-01935-RWS

351.	TSMP	H	1575	4:17-cv-01935-RWS
352.	ABME	H	1576	4:17-cv-01935-RWS
353.	BJMC	H	1577	4:17-cv-01935-RWS
354.	BAMC	H	1582	4:17-cv-01935-RWS
355.	LMMG	H	1590	4:17-cv-01935-RWS
356.	PCM ^G	H	1591	4:17-cv-01935-RWS
357.	NCMC	H	1592	4:17-cv-01935-RWS
358.	GJML	H	1593	4:17-cv-01935-RWS
359.	MNML	H	1594	4:17-cv-01935-RWS
360.	AVNC	H	1596	4:17-cv-01935-RWS
361.	JSOT	H	1599	4:17-cv-01935-RWS
362.	JAOR	H	1603	4:17-cv-01935-RWS
363.	MAOR	H	1604	4:17-cv-01935-RWS
364.	SYOL	H	1605	4:17-cv-01935-RWS
365.	SPPM	H	1606	4:17-cv-01935-RWS
366.	XYPM	H	1607	4:17-cv-01935-RWS
367.	IHPDLC	H	1608	4:17-cv-01935-RWS
368.	JAPB	H	1609	4:17-cv-01935-RWS
369.	MJPB	H	1610	4:17-cv-01935-RWS
370.	SJPH	H	1611	4:17-cv-01935-RWS
371.	FMPB	H	1621	4:17-cv-01935-RWS
372.	LJPB	H	1622	4:17-cv-01935-RWS
373.	LAPO	H	1624	4:17-cv-01935-RWS
374.	LMQA	H	1630	4:17-cv-01935-RWS
375.	NMQA	H	1631	4:17-cv-01935-RWS
376.	JCQC	H	1632	4:17-cv-01935-RWS
377.	PAQL	H	1635	4:17-cv-01935-RWS
378.	LCAB	I	1636	4:17-cv-01940-HEA
379.	YVEP	I	1637	4:17-cv-01940-HEA
380.	GVGE	I	1645	4:17-cv-01940-HEA
381.	JCHB	I	1652	4:17-cv-01940-HEA
382.	FLHZ	I	1655	4:17-cv-01940-HEA
383.	MAHZ	I	1656	4:17-cv-01940-HEA
384.	MMHF	I	1663	4:17-cv-01940-HEA
385.	YVJQ	I	1670	4:17-cv-01940-HEA
386.	AJJH	I	1671	4:17-cv-01940-HEA
387.	MJLC	I	1674	4:17-cv-01940-HEA
388.	SNLC	I	1675	4:17-cv-01940-HEA
389.	CRLB	I	1677	4:17-cv-01940-HEA
390.	RRLB	I	1678	4:17-cv-01940-HEA

391.	AOLC	I	1681	4:17-cv-01940-HEA
392.	YXLC	I	1682	4:17-cv-01940-HEA
393.	MKLF	I	1683	4:17-cv-01940-HEA
394.	YMLP	I	1685	4:17-cv-01940-HEA
395.	CJLB	I	1687	4:17-cv-01940-HEA
396.	ZMLS	I	1688	4:17-cv-01940-HEA
397.	ISLE	I	1689	4:17-cv-01940-HEA
398.	MSLL	I	1690	4:17-cv-01940-HEA
399.	JLMH	I	1692	4:17-cv-01940-HEA
400.	AAMH	I	1693	4:17-cv-01940-HEA
401.	IISC	I	1698	4:17-cv-01940-HEA
402.	NBCL	J	1705	4:17-cv-01963-JAR
403.	CTCP	J	1706	4:17-cv-01963-JAR
404.	JRCA	J	1709	4:17-cv-01963-JAR
405.	CECV	J	1711	4:17-cv-01963-JAR
406.	DRCV	J	1713	4:17-cv-01963-JAR
407.	JJCV	J	1714	4:17-cv-01963-JAR
408.	AECC	J	1717	4:17-cv-01963-JAR
409.	SYCC	J	1718	4:17-cv-01963-JAR
410.	KACC	J	1721	4:17-cv-01963-JAR
411.	SRCT	J	1725	4:17-cv-01963-JAR
412.	YMCT	J	1726	4:17-cv-01963-JAR
413.	BDCB	J	1729	4:17-cv-01963-JAR
414.	LSCC	J	1730	4:17-cv-01963-JAR
415.	AJCZ	J	1735	4:17-cv-01963-JAR
416.	JJDR	J	1737	4:17-cv-01963-JAR
417.	JYDLOQ	J	1742	4:17-cv-01963-JAR
418.	NADLOQ	J	1743	4:17-cv-01963-JAR
419.	NADSV	J	1744	4:17-cv-01963-JAR
420.	MSER	J	1746	4:17-cv-01963-JAR
421.	DNEA	J	1749	4:17-cv-01963-JAR
422.	BJEC	J	1750	4:17-cv-01963-JAR
423.	JJEY	J	1751	4:17-cv-01963-JAR
424.	JYEM	J	1752	4:17-cv-01963-JAR
425.	YNEM	J	1753	4:17-cv-01963-JAR
426.	NBEP	J	1754	4:17-cv-01963-JAR
427.	JAER	J	1756	4:17-cv-01963-JAR
428.	GYGZ	J	1761	4:17-cv-01963-JAR
429.	JKHC	J	1762	4:17-cv-01963-JAR
430.	JEHC	J	1763	4:17-cv-01963-JAR

431.	JJHC	J	1764	4:17-cv-01963-JAR
432.	KEHC	J	1765	4:17-cv-01963-JAR
433.	LEHC	J	1766	4:17-cv-01963-JAR
434.	ALAC	J	1772	4:17-cv-01959-JAR
435.	FWAA	J	1773	4:17-cv-01959-JAR
436.	SBAE	J	1779	4:17-cv-01959-JAR
437.	JHBA	J	1787	4:17-cv-01959-JAR
438.	SABM	J	1790	4:17-cv-01959-JAR
439.	XABM	J	1792	4:17-cv-01959-JAR
440.	NRBH	J	1793	4:17-cv-01959-JAR
441.	ALBZ	J	1796	4:17-cv-01959-JAR
442.	PJBZ	J	1797	4:17-cv-01959-JAR
443.	KWCA	J	1803	4:17-cv-01959-JAR
444.	BKCC	J	1804	4:17-cv-01959-JAR
445.	PJCC	J	1805	4:17-cv-01959-JAR
446.	SSCC	J	1806	4:17-cv-01959-JAR
447.	EJCA	J	1807	4:17-cv-01959-JAR
448.	YBCA	J	1808	4:17-cv-01959-JAR
449.	YNCM	J	1818	4:17-cv-01959-JAR
450.	ZNCM	J	1819	4:17-cv-01959-JAR
451.	JRCP	J	1824	4:17-cv-01959-JAR
452.	LRCP	J	1825	4:17-cv-01959-JAR
453.	ARGB	J	1830	4:17-cv-01959-JAR
454.	EBMS	J	1832	4:17-cv-01959-JAR
455.	MBHA	H	1843	4:17-cv-01936-AGF
456.	ESRA	H	1848	4:17-cv-01936-AGF
457.	LERQ	H	1855	4:17-cv-01936-AGF
458.	AERG	H	1856	4:17-cv-01936-AGF
459.	ESRG	H	1857	4:17-cv-01936-AGF
460.	JJRJ	H	1859	4:17-cv-01936-AGF
461.	ASRP	H	1864	4:17-cv-01936-AGF
462.	ESRP	H	1865	4:17-cv-01936-AGF
463.	MJRP	H	1866	4:17-cv-01936-AGF
464.	RRRP	H	1867	4:17-cv-01936-AGF
465.	FBRZ	H	1868	4:17-cv-01936-AGF
466.	SSRZ	H	1869	4:17-cv-01936-AGF
467.	JLRH	H	1872	4:17-cv-01936-AGF
468.	YRA	H	1879	4:17-cv-01936-AGF
469.	FJRE	H	1881	4:17-cv-01936-AGF
470.	HBRE	H	1882	4:17-cv-01936-AGF

471.	MIRL	H	1883	4:17-cv-01936-AGF
472.	YCRL	H	1884	4:17-cv-01936-AGF
473.	AJSP	H	1895	4:17-cv-01936-AGF
474.	IASP	H	1896	4:17-cv-01936-AGF
475.	ASSB	H	1897	4:17-cv-01936-AGF
476.	DASB	H	1898	4:17-cv-01936-AGF
477.	INSB	H	1899	4:17-cv-01936-AGF
478.	DRTM	H	1905	4:17-cv-01936-AGF
479.	VUC	H	1908	4:17-cv-01936-AGF
480.	KAVC	H	1910	4:17-cv-01936-AGF
481.	DJAR	J	1913	4:17-cv-02001-HEA
482.	MEAR	J	1914	4:17-cv-02001-HEA
483.	GDAB	J	1915	4:17-cv-02001-HEA
484.	NACP	J	1922	4:17-cv-02001-HEA
485.	TACC	J	1925	4:17-cv-02001-HEA
486.	BCN	J	1926	4:17-cv-02001-HEA
487.	APDO	J	1927	4:17-cv-02001-HEA
488.	EAFP	J	1928	4:17-cv-02001-HEA
489.	JAGY	J	1930	4:17-cv-02001-HEA
490.	JLIB	J	1932	4:17-cv-02001-HEA
491.	EJPU	J	1939	4:17-cv-02001-HEA
492.	JGQM	J	1942	4:17-cv-02001-HEA
493.	JRRP	J	1948	4:17-cv-02001-HEA
494.	YPSP	J	1949	4:17-cv-02001-HEA
495.	ACSM	J	1950	4:17-cv-02001-HEA
496.	NASO	J	1951	4:17-cv-02001-HEA
497.	AFSZ	J	1952	4:17-cv-02001-HEA
498.	DKTM	J	1954	4:17-cv-02001-HEA
499.	YYTM	J	1955	4:17-cv-02001-HEA
500.	DPUI	J	1956	4:17-cv-02001-HEA
501.	EWVB	J	1957	4:17-cv-02001-HEA
502.	ZRVB	J	1958	4:17-cv-02001-HEA
503.	LDZC	J	1962	4:17-cv-02001-HEA
504.	JTZM	J	1964	4:17-cv-02001-HEA
505.	SRSC	K	1971	4:17-cv-02858
506.	MRMD	K	1974	4:18-cv-00560-CDP
507.	CLAC	K	1981	4:18-cv-00638-RWS
508.	JIAC	K	1982	4:18-cv-00638-RWS
509.	SYAC	K	1983	4:18-cv-00638-RWS
510.	VMAD	K	1984	4:18-cv-00638-RWS

511.	ZBBA	K	1987	4:18-cv-00638-RWS
512.	ANCC	K	1989	4:18-cv-00638-RWS
513.	DSCR	K	1994	4:18-cv-00638-RWS
514.	AMDLSC	K	1996	4:18-cv-00638-RWS
515.	ACGS	K	1999	4:18-cv-00638-RWS
516.	LSHA	K	2000	4:18-cv-00638-RWS
517.	AYMR	K	2007	4:18-cv-00638-RWS
518.	LMM	K	2010	4:18-cv-00638-RWS
519.	MSNF	K	2012	4:18-cv-00638-RWS
520.	IPPM	K	2014	4:18-cv-00638-RWS
521.	NAQD	K	2024	4:18-cv-00638-RWS
522.	RLRSC	K	2029	4:18-cv-00638-RWS
523.	AMRC	K	2030	4:18-cv-00638-RWS
524.	NARC	K	2031	4:18-cv-00638-RWS
525.	RSRS	K	2032	4:18-cv-00638-RWS
526.	JBRP	K	2033	4:18-cv-00638-RWS
527.	DTSR	K	2036	4:18-cv-00638-RWS
528.	SNSA	K	2037	4:18-cv-00638-RWS
529.	JASU	K	2038	4:18-cv-00638-RWS
530.	JJTM	K	2042	4:18-cv-00638-RWS
531.	ERTF	K	2043	4:18-cv-00638-RWS
532.	TSZR	K	2048	4:18-cv-00638-RWS

Defendants report that an additional 15 plaintiffs produced their notarized profile sheets on November 11, 2022, eleven days after the October 31, 2022 deadline and request the dismissal of the following cases for untimely production:

List D

No.	Initials	Trial Group	Plaintiff ID No.	Federal Case No.
1.	AAAH	E	919	4:17-cv-00787-HEA
2.	MNAT	E	937	4:17-cv-00787-HEA
3.	CJLB	G	1225	4:17-cv-01927-RWS
4.	LCJA	G	1465	4:17-cv-01933-HEA
5.	DRRC	G	1505	4:17-cv-01933-HEA
6.	ABLB	H	1528	4:17-cv-01934-RLW

7.	PIOB	H	1601	4:17-cv-01935-RWS
8.	DMRB	H	1880	4:17-cv-01936-AGF
9.	NEAM	K	1967	4:17-cv-02207-HEA
10.	ACSM	K	1978	4:18-cv-00638-RWS
11.	ACJR	K	1979	4:18-cv-00638-RWS
12.	ACCJ	K	1980	4:18-cv-00638-RWS
13.	RRAC	K	1985	4:18-cv-00638-RWS
14.	YJAC	K	1986	4:18-cv-00638-RWS
15.	ACGS	K	1999	4:18-cv-00638-RWS

I note that only plaintiff ACGS (# 1999) appears on the list of 532 plaintiff above. I will allow these 15 plaintiffs to cases to remain active, despite their production being 11 days late.

I have given Plaintiffs multiple extensions of time to produce plaintiff profile sheets. The vast majority of cases Defendants seek to dismiss were filed before 2018 with a few filed in 2018. Plaintiffs have had multiple years to obtain signed and notarized profile sheets. Despite the barriers Plaintiffs faced in obtaining notarizations in 2016 through 2020, it is undisputed that a notary was once again available in La Oroya in 2021. Plaintiffs failed to get the plaintiffs' profile sheets at issue notarized despite having all of 2021 through July of 2022 to do so. I find that the plaintiffs identified supra who failed to produce a completed profile sheet by the required deadlines (except as otherwise noted) have violated my discovery orders without cause. As a result, I will dismiss these plaintiffs' cases with prejudice for failing to prosecute their cases and for failing to comply

with the deadlines I set in discovery production orders. See Fed. R. Civ. P. 41(b); see also Arnold v. ADT Sec. Servs., Inc., 627 F.3d 716, 722 (8th Cir. 2010) (“dismissal with prejudice is an extreme sanction that should be used only in cases of willful disobedience of a court order or where a litigant exhibits a pattern of intentional delay.”) I find that Plaintiffs have intentionally not completed this production when they had ample opportunity to do so before the onset of the COVID pandemic and from January 2021 through July 2022. Despite Plaintiffs’ assertions that they were concentrating their efforts on the the production of documents in the Initial Trial Pool cases, the issue of producing completed profile sheets was constantly addressed for the past several years of this litigation.

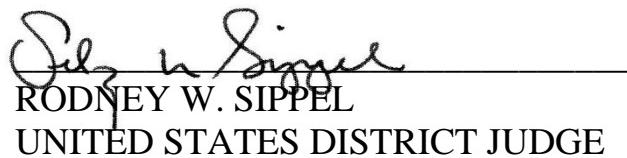
At the July 19, 2022 status conference, Plaintiffs opposed the dismissal with prejudice of cases missing notarizations. Plaintiffs proposed a lesser “sanction” of a rolling production that would not be completed for a year. That is not a sanction. Nor would the lesser sanction of dismissal without prejudice be appropriate. That too would not be a sanction, it would simply be yet another extension of time to allow these plaintiffs to comply with my multiple orders and expired production deadlines. Defendants are entitled to finality with these plaintiffs’ failure to prosecute their cases and comply with Court orders.

Accordingly,

IT IS HEREBY ORDERED that the Initial Trial Pool cases of plaintiffs EACGP (# 976) and ARLC (# 865) from List A are **DISMISSED WITH PREJUDICE.**

IT IS FURTHER ORDERED that the cases of the 16 plaintiffs from List B who failed to produce signed profile sheets are **DISMISSED WITH PREJUDICE.**

IT IS FURTHER ORDERED that the cases of 531 of the 532 plaintiffs from List C who failed produce notarized profile sheets by November 11, 2022 are **DISMISSED WITH PREJUDICE.** The case plaintiff ACGS (# 1999) on List C is not dismissed and remains open.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 26th day of January, 2023.